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PATENT APPLICATION
Mo5884
LeA 32,873

1754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
GÜNTER LINDE ET AL)
SERIAL NUMBER: 09/646,450)
FILED: SEPTEMBER 14, 2000)
TITLE: SOOT GRANULES)
)

TECHNOLOGY CENTER 1700
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SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicants respectfully submit the attached International Preliminary Examination Report as well as the English translation of same for the Examiner's consideration.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231, on 1/30/2001 Date

Thomas W. Roy, Reg. No. 29,582
Name of applicant, assignee or
Registered Representative
Thomas W. Roy
Signature
January 30, 2001
Date



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Le A 32 873-PC-PB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/01537	International filing date (day/month/year) 10 March 1999 (10.03.99)	Priority date (day/month/year) 18 March 1998 (18.03.98)
International Patent Classification (IPC) or national classification and IPC C09C 1/60		
Applicant BAYER AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 28 September 1999 (28.09.99)	Date of completion of this report 11 May 2000 (11.05.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/01537

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

 the international application as originally filed. the description, pages 1-10, as originally filed,

pages _____, filed with the demand,

pages _____, filed with the letter of _____,

pages _____, filed with the letter of _____

 the claims, Nos. 1-19, as originally filed,

Nos. _____, as amended under Article 19,

Nos. _____, filed with the demand,

Nos. _____, filed with the letter of _____,

Nos. _____, filed with the letter of _____

 the drawings, sheets/fig _____, as originally filed,

sheets/fig _____, filed with the demand,

sheets/fig _____, filed with the letter of _____,

sheets/fig _____, filed with the letter of _____

2. The amendments have resulted in the cancellation of:

 the description, pages _____ the claims, Nos. _____ the drawings, sheets/fig _____

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	YES
	Claims	1-19
Inventive step (IS)	Claims	none
	Claims	
Industrial applicability (IA)	Claims	1-19
	Claims	NO

2. Citations and explanations

The following documents are referred to:

D1: EP-A-0 802 241

D2: EP-A-0 807 669

D3: EP-A-0 860 476

D4: EP-A-0 857 764

According to the introductory part of the description (page 2, lines 14-15), the application differs from D1 with respect to relative colour intensity. However, this perspective appears too narrow, since the same process steps are used in D1 to produce the product. Even if the example in D1 specifically indicates this particular relative colour intensity value, the teaching of D1 does not appear to be limited to this value. Consequently, the subject matter of the claims does not appear to be novel. With respect to D2, also, at least as far as the subject matter of the independent claims is concerned, no differences can be discerned.

D3 and D4 are cited for information only since, should the priority claims prove valid (which cannot at present be checked, as no evidence of priority has yet been submitted), they may only be relevant as earlier applications, that is, in relation to novelty.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Instead of a clear process step, the characterizing part of Claim 1 describes the result of a process step that is not indicated.